

COMMENTS AND QUESTIONS
FLOOD PROTECTION CORRIDOR PROGRAM
UPPER PAJARO RIVER FLOODPLAIN PROTECTION PROJECT
City of Hollister, City Hall
2:00 PM, Thursday August 28, 2003

Thirteen members of the public and interested parties attended the meeting.

- What are the desired outcomes on the three properties?

Fee title acquisition and conservation easements

- How many acres are we hoping to affect?

Total project area. The three parcels add up to almost 1200 acres.

- What are your priorities for this funding? Are you concerned with the flood attenuation aspects of the greater Soap Lake area?

Yes, a long-term goal is to preserve the flood attenuation benefits of the entire area in cooperation with other groups.

- What is DWR's goal for this project.

To permanently protect the floodplains and river corridors for agricultural and environmental protection and flood control benefits.

- What is the position of San Benito County regarding this program. Specifically, is the zoning in this area such that this acreage might be in danger of losing its current status and viability as a flood attenuation area? This area is zoned as floodplain and is the threat really there or is this project a waste of money?

TNC is aware of development plans for the area but it would be premature to disclose them at this time, as they may not have resulted in an application yet.

Representative from San Benito County responded later in the meeting: Most of the Northern area shown is zoned as floodplain on zoning maps and we have restrictions on what can occur there and we have upheld them vehemently. Yes, there is development pressure here, though rational and reasonable people usually don't want to build on a floodplain, but government agencies don't always deal with rational and reasonable people."

- Retention capacity of Soap Lake by grading and diking should be encouraged.
- Project does not consider prime areas for upstream storage.

The Flood Protection Corridor Program is intended and authorized for non-structural flood damage reduction measures and for the protection of floodplains and flood corridors and associated environmental and/or agricultural values by purchase in fee or easements.

- Will all the \$3.27 million be encumbered for the three properties or will there be surplus money?

Yes, the money will be used for acquisition. Additional money from other sources available to TNC may be necessary for this project. It is unlikely there will be surplus funds.

- Will TNC continue this effort in the greater Soap Lake basin utilizing other funding sources, or is this a one-time effort?

TNC is actively working with others toward the goal of protection the entire basin.

- Consultants for the Flood Prevention Authority are preparing a Watershed Study. Is TNC ahead of the plan? We don't want duplication of effort.

TNC is well aware of this study and is coordinating with the Authority. This acquisition should be very compatible with the goals of that study.

- Is TNC aware of the proposed groundwater management plan program led by San Benito County Water District? A Programmatic EIR has been released. Recommend that TNC review and comment because this EIR identifies a plan that will have significant unavoidable adverse environmental impacts to the resources TNC is trying to preserve.

TNC will review this EIR.

- Supports willing seller of agricultural lands.

- Doubts development pressures exists.

TNC and others are aware that development pressures do exist in the area.

- Who are the organizations involved with TNC in the greater area?

The Land Trust for Santa Clara County
 Santa Clara Valley Water District
 Santa Clara County Open Space Authority
 San Benito Agricultural land Trust
 American Farmland Trust

- The County government (San Benito County) should be integrated into all these plans and better informed.

TNC agreed to work more closely with the county.

- What plans do other government agencies have for this area, especially Santa Clara County? We don't want San Benito County to be the recipient of something, for example floodwaters, that would not naturally be there.

TNC has been actively working on this project for some time and is working on being aware of activities and plans that affect the area. FPCP regulations requires that TNC prepare a plan on how to avoid adverse impacts to adjacent lands.

- In which counties are the three properties located?

Santa Clara and San Benito counties.

- Who are the decision makers at DWR?

DWR's Director had the power to approve which grants to award. Staff within Division of Flood Management will also have day-to-day decision-making power. Projects were selected by a team from

the Departments of Fish and Game, Food and Agriculture, Conservation, Bay-Delta Authority and DWR.

- Do any of the properties offer habitat improvement opportunities?
Yes, but that will be funded by other sources and is not a part of this grant application.

- Does any parcel include all of San Felipe Lake?

Yes.

- Are you, DWR or TNC, aware of the restoration efforts along Tesquisquita Slough?
TNC is aware of this effort.

- Do you know of any proposed development within the area you have outlined?
Yes, TNC is aware of proposals to develop that are in an early stage and may not have been formally proposed at this time.

- Who retains the easements?
TNC anticipates that it will retain the easements. For properties acquired in fee, there will be an overlaying conservation or agricultural easement.

- Does proposition 13 funding allow for the transfer of easements?
Yes, to a natural resource agency or other entity that will be bound by the requirements of the easement.

- What is the timeframe for the project?
TNC will sign the agreements with the State and complete the acquisition as soon as possible but all acquisitions must be completed within three years.

- Why does the hearing continue to September 30?
Requirements in our regulations and other beaurocratic factors contributed to this hearing being held a day too early and to ensure that everything is conducted correctly, we have chosen to continue the meeting.

- Would DWR or TNC have new information by then?
No, probably not.

- One letter of support was received at the hearing.
- Prior to the hearing a letter with eight signatures was faxed to DWR. This letter expresses concern that the project could have an adverse impact on endangered species (red-legged frog), prime farmland, riparian vegetation, ground water resources, Highway 101 and affect downstream flooding. The letter advices to take no action unless an EIR/EIS is completed.

The project consists of the acquisition in fee and/or easement of three parcels. The purpose of the acquisition is to provide a corridor for floodwater, protect riparian habitat, grasslands and the

environmental values associated with San Felipe Lake, and by acquisition of property rights prevent uses of the land that are contrary to these purposes. The acquisition of key parcels will begin the process of protecting the entire basin and its flood attenuating capacity. DWR, the agency granting the funds, is subject to the California Environmental Quality Act. Therefore, TNC will be required to comply with CEQA for this project.